

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JAMES S. BERNAT,)	
)	
Plaintiff,)	
v.)	C.A. NO. 4:04-40058-FDS
)	
GENTEX OPTICS, INC.,)	
)	
Defendant.)	

**PARTIES' JOINT MOTION TO EXTEND
SCHEDULING ORDER**

On December 30, 2004, plaintiff in the above captioned case, James Bernat, moved to extend, by 30 days, the December 31, 2004 discovery deadline in his action and proposed a new deadline of January 30, 2005. On January 3, 2005 Gentex opposed Bernat's motion and on January 4 Bernat replied. On February 8, 2005, the Court referred the matter to Magistrate Judge Swartwood, who has yet to rule on Bernat's motion. Parties' deadline for filing dispositive motions is April 25, 2005. Parties request that this approaching deadline, and the pre-trial conference date, be extended in the manner set forth below. This is parties' first request to extend the dispositive motion and pre-trial conference deadlines.

As per the Court's October 13, 2004 Scheduling Order, the remaining case deadlines are currently scheduled as follows: Dispositive motion deadline: April 25, 2005; Pretrial conference: July 12, 2005. The Parties respectfully request that the Court extend the dispositive motion deadline to sixty (60) days following the Court's ruling on the pending discovery motion, with the pre-trial conference scheduled for 75 days following the dispositive motion deadline.

Defendant's counsel has authorized plaintiff's counsel to title this a Joint Motion and sign and file it on his behalf.

Plaintiff, James S. Bernat,
By his attorneys,

Defendant , Gentex Optics, Inc.,
By its attorneys,

/s/ Ian O. Smith

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CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2005, a copy of the foregoing PARTIES' JOINT MOTION TO EXTEND SCHEDULING ORDER was filed electronically. Notice of his filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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